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09/423,484

10/04/2000

David John Aarons

P9153

6794

7590

10/24/2003

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EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/423,484

Applicant(s)

AARONS ET AL.

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, line 3, “may be” renders uncertainty to the claim whether the limitation is required or not. Line 4, “may be” renders uncertainty to the claim whether the limitation is required or not. Line 5, “means by which the generating means” is not clear as to whether it is referred to an additional means other than generating means or the generating means itself. The above problems are appeared again and have been clearly pointed out on page 5 of the prior office action mailed on 12/05/01. Lines 8-9, “means for combining.... to produce the high frequency pulse train” is not consistent with the limitation shown in lines 2-3, i.e. “generating means for generating a high frequency pulse train”. It is vague whether the means for combining or generating means produces the high frequency pulse train.

Regarding Claim 14, lines 6-7, “means for combining... to produce high frequency pulse train” is not consistent with the limitation shown in lines 3, “the means for generating a high frequency pulse train”. It is vague whether the means for combining or the means for generating the high frequency pulse train.

Claims 2-13 are vague by virtue of their dependency on claim 1.

Claims 15 and 16 are vague by virtue of their dependency on claim 14.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 12, 13, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Kuhnel et al. (4,682,084).

Regarding Claim 1, Kuhnel discloses an electronic circuit for both striking and continuously lighting a gas discharge lamp (34) (See Figure 1 and Col. 1, lines 8-15) comprising a means (16) (See Claim 9 of Kuhnel) for generating a high frequency pulse train for being applied to the electrodes of the lamp to light the lamp (34), a means (12, 10) for connecting the means (16) for generating a high frequency pulse train to an electrical power source (50), a choke (32) to limit the current drawn by the lamp (34), characterized in that the circuit comprises a means (28A) for producing a first series of pulses, and a means(28B) for producing a second series of pulses independently from the first series of pulses (e.g. alternately on and off) (See Col. 3, line 64 to Col. 4, line 8), and means (30) for combining additively the first and second series of pulses to produce the high frequency voltage to the lamp.

Regarding Claim 2, Kuhnel discloses the means (30) for combining additively the first and second series of pulses includes the choke (32) which connects together the first and second series of the pulses (See Figure 1).

Regarding Claim 3, Kuhnel discloses that the circuit has paired outputs (electrodes of the lamp) each pair of which provides a steady low voltage output (warming up) for being applied to heated electrode of the lamp (Col. 1, lines 8-15).

Regarding Claim 4, Kuhnel discloses that the means (30) for combining the first and second series of pulses includes an isolating transformer to electrically isolate the lamp (34) from the power source (50) (See Figure 1).

Regarding Claim 12, Kuhnel discloses the high frequency voltage comprising pulses of both positive and negative polarity.

Regarding Claim 13, Kuhnel discloses a light fitting having contacts (wiring terminals) for the gas discharge lamp (34) and the electronic circuit (See Figures 1 and 2).

Allowable subject matter

Claims 5-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 14-16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Remarks

Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (703) 306-3426.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.



Wilson Lee
Patent Examiner
U.S. Patent and Trademark Office

WL
10/20/03